

State of California
Regional Water Quality Control Board
San Diego Region

EXECUTIVE OFFICER SUMMARY REPORT
February 5, 2003

ITEM: 17

SUBJECT: Public Hearing: Revision of Time Schedule for Cease and Desist Order, City of Escondido, Hale Avenue Resource Recovery Facility (NPDES No. CA0107981) (tentative Addendum No. 1 to Cease and Desist Order No. 96-31) (*Bryan Ott*)

PURPOSE: To extend the final compliance deadline contained in Cease and Desist Order No. 96-31 for the City of Escondido.

PUBLIC NOTICE: The February 5, 2003 Regional Board meeting agenda notice that was sent on January 17, 2003 served as the required 10-day official public notification for this action. Copies of the tentative Addendum were mailed on January 15, 2003 to the discharger and all known interested parties and agencies for review and comment. Copies of the tentative Addendum have been made available for public review at the San Diego Regional Water Quality Control Board office.

DISCUSSION: The City of Escondido (City) owns and operates the Hale Avenue Resource Recovery Facility (HARRF). Cease and Desist Order No. 96-31 ordered the City to terminate any and all discharges from the HARRF to Escondido Creek and its tributaries and required the City to implement measures to prevent such discharges by November 11, 2002.

Cease and Desist Order (CDO) No. 96-31 was adopted as a result of the HARRF discharging secondary treated wastewater to Escondido Creek following peak precipitation events. The unauthorized discharges occurred at a time of extremely high wet weather flows when the combined flows from the San Elijo Joint Powers Authority San Elijo Water Pollution Control Facility and the HARRF exceeded the capacity of the San Elijo Ocean Outfall. There has been no reported unpermitted discharges of wastewater to Escondido Creek since the issuance of CDO No. 96-31 in 1996 with the exception of rare sanitary

sewer overflows and treatment plant spills which appear to be unrelated to high rainfall events.

On October 31, 2002, 11 days prior to the compliance date, the City informed the Regional Board by letter that they would not be able to meet the November 11, 2002 completion date set forth in CDO No. 96-31. The letter, however, stated that the improvements to the Hale Avenue Resource Recovery Facility were almost complete. The City also reported that the recycled water treatment and distribution systems were almost complete and the nutrient diversion facility should be completed by March 15, 2003. The City requested an extension of the final compliance date to June 16, 2003.

The City's delay in complying with CDO No. 96-31 is not a result of negligence on their behalf. The City has proceeded with due diligence and has been in compliance with CDO No. 96-31.

Tentative Addendum No. 1 to Cease and Desist Order No. 96-31 would extend the compliance date for the City to complete the implementation of measures to terminate all unauthorized discharges to Escondido Creek and tributaries thereto from November 11, 2002 to June 16, 2003. The addendum would also require the discharger to submit a final compliance report to the Regional Board describing all steps taken to comply with CDO NO. 96-31.

LEGAL CONCERNS: None.

SUPPORTING DOCS:

1. Tentative Addendum No. 1 to Cease and Desist Order No. 96-31
2. Transmittal letter, dated January 15, 2003
3. Letter from the City of Escondido requesting extension of compliance deadline, dated October 31, 2002
4. Site maps

RECOMMENDATION: The adoption of tentative Addendum No. 1 to Cease and Desist Order No. 96-31 is recommended.